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FISCAL IMPACT STATEMENT

LS 6252

BILL NUMBER: SB 72

NOTE PREPARED: Nov 19, 2003

BILL AMENDED:

SUBJECT: Various Election Law Matters.

FIRST AUTHOR: Sen. Landske

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

(A) Provides that a voter registration application having an illegible or a missing postmark is valid if received not later than 21 days before the election.

(B) Provides for the administrative disbanding of a political committee that has not filed expenditure reports for three years, regardless of the amount of cash held by the committee.

(C) Provides that a person who serves as a political committee's treasurer in violation of certain statutes is subject to a civil penalty upon the unanimous vote of the Indiana Election Commission or county election board.

(D) Provides that a candidate for a municipal office shall file certain campaign finance reports even if a primary or municipal election is not held in the municipality.

(E) Requires a county election board to conduct municipal elections in all towns unless a town opts out.

(F) Provides that one precinct election board may serve all precincts at a single polling place.

(G) Provides that voters in a municipality's newly acquired territory may vote regardless of when the territory was acquired.

(H) Provides that only counties that count absentee ballots at a central location may authorize the use of electronic equipment at the clerk's office for the casting of absentee ballots.

(I) Requires the voter's signature on an absentee ballot application to be compared to the voter's signature on the voter's registration record under certain circumstances.

(J) Requires a special election to be ordered in an election contest after a finding that the occurrence of deliberate acts makes it impossible to determine which candidate received the highest number of votes.

(K) Makes changes to qualifications of precinct election officers, the filing place for replacement candidates for local judicial offices of independent and minor party candidates, and small town election procedures.

(L) Makes technical changes relating to: (1) election administration; (2) precinct election officers; (3) watchers; (4) certification of nominees; (5) campaign finance reports; (6) voter registration; (7) rights of voters; (8) municipal elections; (9) ballot format; (10) absentee voting; (11) polling places; (12) provisional ballots; (13) election recounts and contests; (14) filling vacancies in local offices; (15) filing financial disclosure statements; and (16) appointment of deputies of local officials. (The introduced version of this bill was prepared by the Census Data Advisory Committee.)

Effective Date: Upon passage; July 1, 2004.

Explanation of State Expenditures: (B) There may be a savings of administrative time to the Indiana Election Division, if more candidates' committees are allowed to disband under this provision.

Under the bill, if the Division determines that a candidate's committee for state office has not filed any report of expenditures for three years, the Division would be able to begin a proceeding to disband the committee before the Indiana Election Commission.

Under current law, proceedings are not able to take place if the committee last reported a cash-on-hand amount exceeding \$1,000.

The Election Division reports there are currently 6-10 committees with a cash total in excess of \$1,000 that could qualify for disbandment under the bill's provision.

(C) Under the bill, a treasurer of a candidate's committee for a statewide office that violates the following qualifications under statute would be subject to a civil penalty. The qualifications are as follows. The treasurer must be a United States citizen. The treasurer may not be the chairman of a committee unless the candidate is also the chairman and treasurer. Finally, a candidate may not be the treasurer of another candidate's committee.

Under the bill, the Election Commission would have to determine by unanimous vote of the entire membership that a violation occurred to the treasurer qualifications listed above. If such unanimous decision is reached, the Commission would be able to assess a civil penalty not to exceed \$500 plus any investigative costs incurred and documented by the Election Division.

Under current law, election law civil penalties are placed in the state Campaign Finance Enforcement Account. As of June 30, 2003, the state Campaign Finance Enforcement Account had a budgetary fund balance of \$21,066, with \$17,299 in fines collected in FY 2003.

Explanation of State Revenues:

Explanation of Local Expenditures: (C) Under the bill, a treasurer of a candidate's committee for a local office that violates the following qualifications under statute would be subject to a civil penalty. The qualifications are as follows. The treasurer must be a United States citizen. The treasurer may not be the chairman of a committee unless the candidate is also the chairman and treasurer. Finally, a candidate may not be the treasurer of another candidate's committee.

Under the bill, county election boards would have to determine by unanimous vote of the entire membership that a violation occurred to the treasurer qualifications listed above. If such unanimous decision is reached, the board would be able to assess a civil penalty not to exceed \$500 plus any investigative costs incurred and documented by the board.

Under current law, county election law civil penalties are placed in the county campaign finance enforcement account.

(E) Under the bill, county election boards would conduct municipal elections in all towns. However, a town would be provided the option to pass an ordinance to establish a town election board to conduct municipal elections. Under current law, counties already conduct elections in towns with a population of under 500 persons. It is possible that some towns may rescind their town election boards in order to allow their parent county election board to conduct municipal elections. This provision could present an expenditure savings to the town, assuming the parent county is able to conduct the municipal election more efficiently than the town. Unless costs cannot be directly attributable to a town, there would be no impact to county finances as a result of this provision. It may be possible that additional voting machines would be needed to cover several additional towns within a county. However, depending on the arrangement made with the town to conduct the election, the county would probably charge these costs to the town. The cost to rent a Micro Vote direct recording electronic machine is approximately \$2,500 plus \$300 for each additional machine rented. (See *Background*.)

(F) Under the bill, county election boards would be allowed to adopt an ordinance to allow more than one precinct to be served by a precinct election board at a special election. This provision could present a savings to local expenditures when counties conduct special elections. (See *Background*.)

(G) The provision could require county election officials to process more ballots to account for voters in areas that were annexed and possibly revise poll books less than 30 days before the municipal election. Current law requires a 30-day deadline for municipal boundary extension to allow annexed voters to vote in the municipal election.

(H) P.L. 69-2003 allows counties the option to use an electronic voting system to tabulate absentee ballots in an election. The bill restricts the usage of electronic voting systems to counties that have adopted a resolution to centrally count absentee ballots.

(J) The bill would add "deliberate act or series of action occurred" to the determinations that a court may find when ruling on a contest to a public question. This provision would also apply to recounts under determination of the State Recount Commission. If more favorable rulings on contests or recounts occur as a result of this provision, more special elections could be held.

(K) Under the bill, joint meetings of the boards of county commissioners sharing a particular circuit could be convened to replace certain circuit or county officials. There are only four Indiana counties that share a circuit. The counties are Dearborn, Jefferson, Ohio, and Switzerland.

Background: Under current law, county election boards are required, with some exceptions, to conduct a municipal primary and election. Additionally, expenses from county-operated municipal elections are reimbursed by the municipality to the county. If the expenses of a municipal primary or election cannot be directly attributed to a single municipality, the expenses are apportioned 25% to the county and 75% to the municipalities in the county holding an election.

Expenses to run an election include: precinct election board per diem, rental of a facility for polling (if necessary), and/or voting equipment (if necessary). Based on a small sample of Indiana counties, per diem for election board members ranged from \$65 to \$150 for inspectors and from \$40 to \$100 for judges, clerks, and sheriffs.

Explanation of Local Revenues:

State Agencies Affected: Indiana Election Division; Indiana Election Commission; Indiana State Recount Commission.

Local Agencies Affected: County election boards, circuit court clerks, towns.

Information Sources: Brad King, Co-Director, Indiana Election Division; Robert Vane, Marion County Election Board, (317) 327-5117; Voter Registration, Marshall County Circuit Court Clerk's Office, (574) 935-8713; Warren County Clerk's Office, (765) 762-3510; Angela Owensby, Lake County Election Board, (219) 755-3443; Kosciusko County Clerk's Office, (574) 372-2332; Johnson County Clerk's Office, (317) 736-3708; Janice Sexton, Vigo County Clerk's Office (812) 462-3214; Orange County Clerk's Office, (812) 723-2649; Randolph County Clerk's Office, (765) 584-4214; Perry County Auditor, (812) 547-6427; Hendricks County Election Board (317) 745-9313; Boone County Clerk's Office, (765) 482-3510; Terri Probasco, Tippecanoe County Board of Elections and Registration (756) 423-9303; Steve Shamo, Micro Vote, (317) 257-4900.

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